



**VIA ECF**

Hon. Valerie Figueredo  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Application Granted

A handwritten signature in black ink, appearing to read "Valerie Figueredo", written over a horizontal line.

Valerie Figueredo, U.S.M.J.

DATED: 9-26-2022

The discovery conference scheduled for September 27, 2022 is hereby adjourned. The conference is rescheduled for Wednesday, October 5, 2022 at 2:00 p.m.. Counsel for the parties are directed to call Judge Figueredo's AT&T conference line at the scheduled time. Please dial (888) 808-6929; access code 9781335. SO ORDERED.

**RE: KMS Tech Inc. v. G Mission Inc. et al., No. 20-cv-01041-GBD-DCF**

Your Honor:

I write as counsel for Round Hill Carlin ("Round Hill"), a third party to this matter, regarding the upcoming discovery conference scheduled for Tuesday, September 27, 2022.

Per the Court's order on September 14, 2022 [Dkt. 87], the parties met and conferred by telephone on September 22, 2022. At the conclusion of that call, the undersigned counsel agreed to consider proposed language for a statement or other communication that would satisfy the needs of defendants' counsel with regard to the discovery at issue. Defendants' counsel represented that he would send such proposed language to Round Hill's attorneys. (To be clear: while Round Hill maintains its objections to the third-party discovery requests and any need to expend resources to help develop counterclaims in an entirely unrelated litigation, Round Hill is also open to obviating the need for any further back-and-forth on the issue.)

As of this morning, defendants' counsel, Mr. Maurice N. Ross, has not yet provided any such proposed language for Round Hill's counsel to review, let alone discuss with Round Hill itself. Further, given the timing, even if defendants' counsel did send proposed language today, it is unlikely that Round Hill's counsel would have time to consider and discuss the language with our client prior to the scheduled hearing.

Additionally, Round Hill's counsel have an argument scheduled before the Second Circuit beginning at 10 am EST tomorrow. We apprised defendants' counsel of this potential conflict; defendants' counsel did not entertain any consideration of a further extension.

Thus, while we apologize for the short notice, we must again request an adjournment of the conference date to a day later this week or any other time convenient for the Court. Based on our discussions with defendants' counsel, they do not consent to such an adjournment, but their failure to timely send us proposed language and our upcoming appellate argument renders an adjournment necessary. We apologize on behalf of ourselves and defendants, and thank the Court for its consideration.

Sincerely,

*/s/ Joshua I. Schiller*

Joshua I. Schiller

cc: Hon. George B. Daniels, *via ECF*

BOIES SCHILLER FLEXNER LLP